

**REMARKS/ARGUMENTS**

In an Office Action dated October 3, 2003, the Examiner rejected claims 17-19, 24-26, 32-34, 39-42 and 45. The Applicant notes with appreciation the Examiner's indication of allowable subject matter in claims 20-23, 26, 35-38, 43 and 44. The Applicant respectfully requests reconsideration for the rejected claims.

**I THE REJECTION OF CLAIMS 17-19, 24, 25, 32-34, 39-42 AND 45 AS OBVIOUS IN LIGHT OF JEPSON ET AL.**

The Examiner rejected claims 17-19, 24-25, 32-34, 39-42 and 45 as obvious in light of *Jepson et al.* ("Jepson"), U.S. Patent 5,719,329. The Examiner also rejected claims 32-40 for provisional double patenting over claims 17-25, and rejected claim 26 under 35 U.S.C. § 112, first paragraph for a lack of enablement. In response, the Applicant amends claim 17 to include the limitations of claim 20 and amends claims 26 and 44 to independent form. Claims 20 and 32-40 have been canceled, while claims 56-66 have been added.

In light of the Examiner's indication of allowable subject matter in claims 20, 26 and 44, it is believed that all of the claims are allowable.

**II. THE REJECTION OF CLAIM 26 FOR NON-ENABLEMENT UNDER 35 U.S.C. § 112**

With regard to the Examiner's rejection of claim 26 for non-enablement, the Applicant respectfully submits that the Examiner is mistaken.

The Examiner contends that the specification fails to provide an adequate written description of how a two-chord ultrasonic meter could create four ultrasonic signals as required by claim 17. The misunderstanding seemingly arises from the Examiner's misimpression that the

specification discloses a two-chord ultrasonic meter having only two transducers. *See* Office Action of October 3, 2003, page 6.

Referring to the instant application at page 9 at paragraph [0039], Figure 8 is described as an end view of a spoolpiece with chord A and chord B. Figure 8 shows that chord A is a vertical chord and chord B is a horizontal chord. As stated at page 19 of the instant specification, chord B includes two transducers, an upstream transducer and a downstream transducer. Chord A includes two transducers, similar to that shown in Figures 4 and 5. These four transducers generate the four ultrasonic signals as required by claim 17. Operation of a vertical chord is explained with reference to Figure 4 and 5. Operation of horizontal chords for ultrasonic meters having two or more horizontal chords is known to those of ordinary skill in the art. The construction and operation of two-chord meters is known, although not to detect the presence or amount of stratified flow as claimed. *See also, e.g.*, instant Figures 1A-1C. In addition, Figure 9 is a top view of a horizontal chord.

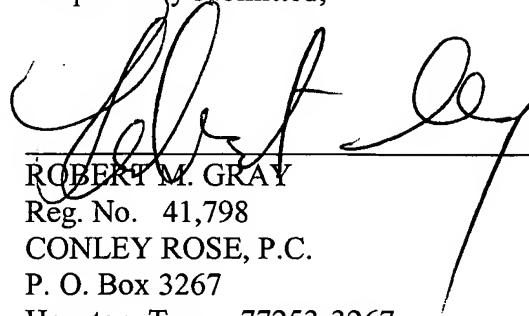
### III. OBJECTIONS TO THE SPECIFICATION AND DRAWINGS

The Applicant notes with appreciation the Examiner's proposed correction of numerous informalities. In accordance with the Examiner's objections, amendments to the specification and drawings are included in this response. However, one of the Examiner's proposed corrections is believed to be in error. With respect to reference numeral 2320, this appears at paragraph [0033] of the application. It is described as the surface of the stratified flow.

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The Applicant submits that the application is in condition for allowance and requests allowance for all the claims.

Respectfully submitted,



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